

ORIGINAL

INTERVENTION



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Jeffrey T. Murray (ASB # 19223)
MOYES SELLERS & SIMS LTD.
1850 North Central Ave., Suite 1100
Phoenix, Arizona 85004
Telephone: (602-604-2141)
Fax: (602) 274-9135
Attorneys for Intervenor School Districts

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

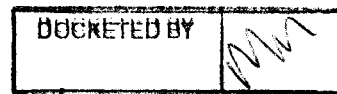
DOCKET NO. E-20690A-09-0346

MOTION TO INTERVENE

IN THE MATTER OF THE APPLICATION
OF SOLARCITY CORPORATION FOR A
DETERMINATION THAT WHEN IT
PROVIDES SOLAR SERVICE TO
ARIZONA SCHOOLS, GOVERNMENTS,
AND NON-PROFIT ENTITIES IT IS NOT
ACTING AS A PUBLIC SERVICE
CORPORATION PURSUANT TO ART. 15,
SECTION 2 OF THE ARIZONA
CONSTITUTION.

Arizona Corporation Commission
DOCKETED

AUG 10 2009



The School Districts listed below ("Intervenor School Districts"), by and through undersigned counsel, hereby apply to the Arizona Corporation Commission for an order granting them leave to intervene in the above-captioned matter pursuant to A.A.C. R14-3-105 and the Procedural Order entered in this matter on July 22, 2009.

Agua Fria Union High School District
Chandler Unified School District
Casa Grande Elementary School District
Continental Elementary School District
Dysart Unified School District
Fountain Hills Unified School District
Ft. Thomas Unified School District
Gilbert Unified School District
Miami Unified School District

Nadaburg Unifed School District
Payson Unifed School District
Pendergast Elementary School District
Pine-Strawberry Elementary School District
Riverside Elementary School District
Roosevelt Elementary School District
Round Valley Unifed School District
Tolleson Elementary School District
Union Elementary School District

1 The Districts' Motion is supported by the following:

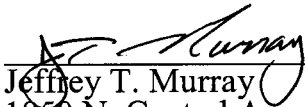
- 2 1. It is necessary and proper that the Districts intervene in the proceeding.
- 3 2. The participation of the Districts in the above-captioned matter will not
- 4 unduly broaden the issues to be presented.
- 5 3. The Districts will be impacted from the Commission's determination
- 6 regarding the two pending Scottsdale Unified School District's ("SUSD")
- 7 Solar Service Agreements ("SSAs") with SolarCity corporation. The
- 8 Districts are similarly situated to SUSD and will be directly impacted by the
- 9 Commission's determination that when SolarCity, or a similar company,
- 10 provides solar service to Arizona schools utilizing SSAs, said company is
- 11 not acting as a public service corporation. Because it does not appear that
- 12 federal solar tax credits apply to Arizona schools under the Business or
- 13 Residential Solar Investment Tax Credit, the Districts could lose the benefit
- 14 of federal funds otherwise available for a limited time.
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19 For all of these reasons, the Districts will be impacted by the Commission's
20 decision in the above-captioned matter and should be permitted to intervene in this matter.

21 The Districts hereby certify that of copy of this Motion has been mailed to Jordan
22 R. Rose, Court S. Rich, and M. Ryan Hurley of Rose Law Group, PC, 6613 N. Scottsdale
23 Road, Suite 200, Scottsdale, Arizona 85250, counsel for SolarCity Corporation, and to all
24 parties of record.
25
26
27
28

1 RESPECTFULLY SUBMITTED this 10th day of August, 2009.

2 MOYES SELLERS & SIMS

3
4 
5 Jeffrey T. Murray
6 1850 N. Central Avenue, Suite 1100
7 Phoenix, Arizona 85004
8 Attorneys for Intervenor School Districts

7 Original and 13 copies of the foregoing
8 filed this 10th day of August, 2009, with the

9 Arizona Corporation Commission
10 Docket Control
11 1200 W. Washington, Room 108
12 Phoenix, Arizona 85007

11 Copy of the foregoing mailed this 10th
12 day of August 2009, to:

13 Jordan R. Rose
14 Court S. Rich
15 M. Ryan Hurley
16 Rose Law Group PC
17 6613 N. Scottsdale Road, Suite 200
18 Scottsdale, Arizona 85250
19 Attorneys for SolarCity Corporation

17 Philip J. Dion Jr. and Michelle Livingood
18 One South Church Avenue
19 Tucson, Arizona 85701 and
20 Michael Patten
21 Roshka Dewulf & Patten, PLC
22 One Arizona Center
23 400 E. Van Buren Street, Suite 800
24 Phoenix, Arizona 85004
25 Attorneys for Tucson Electric Power Company
26 and UNS Electric, Inc.

22 Daniel Pozefsky
23 RUCO
24 1110 West Washington, Suite 220
25 Phoenix, Arizona 85007

25 Kenneth Sundlof, Jr.
26 Jennings Strouss & Salmon, P.L.C.
27 201 E. Washington Street, 11th Floor
28 Phoenix, Arizona 85004
Attorneys for SRP

1 Deborah R. Scott
Linda J. Benally
2 Pinnacle West Capital Corporation
400 North 5th Street, MS 8695
3 Phoenix, Arizona 85072
Attorneys for Arizona Public Service Co.

4 Michael A. Curtis
5 William P. Sullivan
Larry K. Udall
6 Cutis Goodwin Sullivan Udall & Schwab, PLC
501 East Thomas Road
7 Phoenix, Arizona 85012-3205
Attorneys for Mohave Electric Co-Op and
8 Navopache Electric Co-Op

9 C. Webb Crockett
Patrick Black
10 Fennemore Craig
3003 N. Central Avenue, Suite 2600
11 Phoenix, Arizona 85012-2913
Attorneys for Freeport-McMoRan
12 Copper & Gold, Inc. and Arizonans for
Electric Choice and Competition

13 Bradley S. Carroll
14 Snell & Wilmer, L.L.P.
One Arizona Center
15 400 E. Van Buren
Phoenix, Arizona 85004-2202
16 Attorneys for Sulphur Springs Valley Electric
Cooperative, Inc.

17 Jay Moyes
18 Steve Wene
Moyes Sellers & Sims LTD
19 1850 North Central Avenue, Suite 1100
Phoenix, Arizona 85004
20 Attorneys for SunRun, Inc.

21 Lawrence V. Robertson, Jr.
P.O. Box 1448
22 Tubac, Arizona 85646
Attorney for SunPower Corporation

23 
24 _____
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26
27
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